

REMARKS**1. Restriction Requirement**

The Examiner has indicated that the application contains claim 41 which is drawn to a non-elected invention and requires Applicant to cancel the claim. The Examiner has also indicated that claims 1-40 are pending. According to Applicant's records, the application contains claims 1-32 and claim 32 was withdrawn in Applicant's last response filed on February 27, 2003. Applicant has now formally cancelled claim 32 in the instant response. Applicant respectfully asks the Examiner to confirm that claims 1-31 are now pending.

2. Abstract

Applicant has submitted a new Abstract which reflects the changes made in the claims to more clearly define the invention.

3. Claim Rejections under 35 USC §112, second paragraph

The Examiner has rejected to claims 1-40 (in actuality, claims 1-31) under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the phrase "completely or partially complementary to each other" in claim 1 conflicts with the limitation that the population contains both homologous and heterologous sequence segments. The Examiner also indicated that the claim was indefinite because it could not be determined what the phrase "each other" related to. Applicant has amended the claim to clarify the claim language. Applicant believes that the modified claim language is clear and that the scope of the claim would be evident to a person of ordinary skill in the art.

Applicant would like to direct the Examiner's attention to Figure 1 of the Application which illustrates the meaning of the terms used in amended claim 1. Separating the two different double strands depicted in the first line of Figure 1 yields a population of single-stranded polynucleotides having "homologous and heterologous segments". The terms "homologous and heterologous" are defined on page 8, para. 2 of the Specification. The different single-stranded polynucleotide molecules provided in step (a) have segments in which their sequences are the same ("homologous segments") and segments which are not the same ("heterologous segments"). A "homologous segment" refers to a portion of a strand having the same information as the corresponding position in another strand. The term "heterologous

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segment" refers to a portion of a strand that is not identical or complementary (i.e. one not having the same information as the corresponding position in another strand). The meaning of the terms "wholly" or "partially" complementary should be clear from the description in the Specification on page 9 at paragraph 2. If a segment is wholly complementary, the sequences are exactly complementary (i.e. the bases on the (+) strand will exactly complement to the bases on the (-) strand). If the polynucleotide molecules are defined as being partially complementary, they will contain complementary as well as non-complementary segments. Applicant believes that the changes made to the claim language have addressed the indefiniteness issues raised by the Examiner. Reconsideration and removal of the rejection is respectfully requested.

Favorable consideration and early allowance of the claims is requested.

If the Examiner has any questions concerning this application, he is requested to contact Leonard Svensson (Reg. No.: 30,330) the undersigned at (714) 708-8555.

Pursuant to the provisions of 37 C.F.R. § 1.17 and 1.136(a), Applicant hereby petition for an extension of one (1) month to August 21, 2003 for the period in which to file a response to the Office Action dated April 21, 2003.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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